

EXHIBIT A

III. Venue

Venue is proper in Hardin County, Texas because the act or acts giving rise to the claims occurred in Hardin County, Texas and Plaintiff resides in Hardin County, Texas. See Tex. Civ. Prac. & Rem. Code Ann. § 15.017.

IV. Facts

Plaintiff would show that from 2004 to 2006 he owned and operated the website www.testprepreview.com ("the website"). Testprepreview is a website that offers free test preparation materials for many of the standardized tests given around the country for entrance into graduate schools, colleges, etc. Defendant Selinger, individually and on behalf of his company, Testing Technologies, Inc., has accused Plaintiff of various criminal acts and fraud related to the operation of the website. Prior to the libelous and slanderous communications complained of in this action, Plaintiff enjoyed a reputation of honesty, stability, and trustworthiness in the business community and in his community. Prior to the time of the libelous and slanderous statements by Defendants, Plaintiff has never been suspected or accused of any criminal conduct, or any unethical act, and has had a reputation of being honest and trustworthy.

Plaintiff would show that Defendant accused Plaintiff of various criminal acts in an effort to destroy Plaintiff and his business. As a result of the actions of Defendant, Plaintiff has been damaged. Plaintiff has also suffered severe emotional distress, humiliation, embarrassment, mental anguish and loss of reputation as a result of Defendants' actions and will continue to suffer in the reasonably foreseeable future.

Additionally, to in furtherance of its plan to damage Plaintiff's business, Defendant has made threats and attempted to extort money from Plaintiff.

V. Defamation

At all times, the statements that Plaintiff was a criminal were false, libelous and slanderous, and have resulted in damage to Plaintiff's business reputation, as well as his personal reputation. Upon information and belief, Defendants have disseminated these defamatory remarks to third parties.

VI. Defamation Per Se

Defendant Selinger's statements, individually and as an officer of Defendant Testing Technologies, were libelous and slanderous per se because they had a tendency to injure the Plaintiff in his profession and accused him of a crime.

VII. Malice

Furthermore, upon information and belief, Plaintiff believes that the Defendants maliciously made the statements complained of for the reason that they were made with an entire want of care, with recklessness and with conscious indifference to the rights of the Plaintiff, and that the statements were made with reckless and heedless disregard for the truth or falsity of the statements and had no factual basis. Statements of libel and slander in such a matter constitutes malice on the part of the Defendants.

VIII. Damages

As a direct and proximate result of the Defendants' statements, which were libelous, libelous per se, slanderous and slanderous per se, Plaintiff has suffered general damages

to his reputation, past and future, as well as mental anguish, past and future, in a sum not to exceed \$1,000,000.00.

IX. Intentional Infliction of Emotional Distress.

The conduct of Defendants constituted intentional infliction of emotional distress, an intentional tort. This conduct proximately caused damage and harm to Plaintiff in the past and in reasonable probability will cause such damage in the future. These damages include, but are not limited to:

- a. Mental anguish.
- b. Lost wages and earning capacity and business opportunities.

X. Exemplary Damages

The above described actions and words were spoken maliciously by Defendants. Thus, the awarding of exemplary damages in an amount in excess of the minimum jurisdictional limits of the Court is justified.

XI. Prejudgment Interest

Plaintiff is entitled to prejudgment interest on his damages, as provided by law.

XII. Jury Demand

Plaintiff respectfully requests a trial by jury on all issues herein.

XIII. Request for Disclosure

Under the authority of Texas Rule of Civil Procedure 194, Plaintiff requests the Defendants disclose, with 50 days for the service of this Petition and request, the information or material described in Rule 194.2(a)-(k).

XIV. Prayer

Plaintiff requests and prays that Defendants be cited to appear and answer, and that on final trial Plaintiff has judgment against Defendants in a sum in excess of the minimum jurisdictional limits of the Court; prejudgment and postjudgment interest as provided by law; costs of Court; actual damages, exemplary damages, and such other and further relief to which Plaintiff may be justly entitled, at law or in equity, special and general.

Respectfully submitted,

ROEBUCK & THOMAS, PLLC

BY: 

Jeffrey T. Roebuck
Texas Bar No. 24027812
2470 N. 11th Street
Beaumont, Texas 77703
Phone: 409/892-8227
FAX: 409/892-8318

ATTORNEYS FOR PLAINTIFF

COPY**88TH. DISTRICT COURT, HARDIN COUNTY, TEXAS****AFFIDAVIT OF SERVICE****Paul Owens**

vs.

CASE NO.: 48147**Sean Selinger and Testing
Technologies, Inc.**

8700115 10 01 20
NOTARY PUBLIC
HARDIN COUNTY, TEXAS
BY _____

STATE OF CONNECTICUT
COUNTY OF NEW HAVEN ss.

Kevin Farina, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of twenty-one and not a party to this action.

That on **10/01/2007** at **3:35 PM**, Deponent served the within named **Sean Selinger** by giving a true copy of the Citation to **Sean Selinger** personally at **30 Spoonwood Road , Wilton, CT 06897**.

Description:

Sex: Male – Age: 40 – Skin: White – Hair: Brown – Height: 5'10 – Weight: 175
Other Features:

To the best of my knowledge and belief, said person was not engaged in the U.S. Military at the time of service.

The undersigned declares under penalty of perjury that the foregoing is true, correct and my free act and deed.

Sworn to and subscribed before me this
3rd day of October, 2007
by an affiant who is personally known to
me or produced identification.

S. Tomkowski
NOTARY PUBLIC
My Commission Expires: _____

x Kevin Farina
Kevin Farina
Date: 10-3-07

Client File#: - Our File# 32426

STEPHEN TOMKOWSKI
NOTARY PUBLIC
My Commission Expires Aug. 31, 2011

**CIVIL CITATION
THE STATE OF TEXAS**

CAUSE NO: 48147

PAUL OWENS

-VS-

SEAN SELINGER AND TESTING
TECHNOLOGIES, INC.

§ 88TH JUDICIAL DISTRICT COURT

§

§ COUNTY OF HARDIN

NOTICE TO DEFENDANT: *"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of 20 days after you were served this citation and petition, a Default Judgment may be taken against you."*

TO: **SEAN SELINGER**
30 SPOONWOOD ROAD
WILTON, CT 06897

Defendant, in the hereinafter styled and numbered cause: 48147

You are hereby commanded to appear before 88TH JUDICIAL DISTRICT COURT of HARDIN COUNTY, TEXAS to be held at the courthouse located at 300 Monroe St of said County in the City of Kountze, Hardin County, Texas, by filing a written answer to Plaintiff's Original Petition at or before 10:00 A.M. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in cause number 48147 styled:

PAUL OWENS

-VS-

SEAN SELINGER AND TESTING TECHNOLOGIES, INC.

Said Original Petition was filed in said court on 09.27.07 by JEFFREY T. ROEBUCK, Attorney for Plaintiff, whose address is 2470 NORTH 11TH STREET, BEAUMONT, TX 77703.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT AT KOUNTZE, TEXAS, ON THIS
THE 27th day of September, 2007.

Vicki Johnson, District Clerk
Hardin County, Texas
PO BOX 2997
Kountze, Tx 77625

By Tracie Morgan
TRACIE MORGAN, DEPUTY

OFFICER'S RETURN

Came to hand on the _____ day of _____, 20__ at _____ o'clock ____M, and executed at _____ o'clock _____ on the _____ day of _____, 20__, by delivering to the within named SEAN SELINGER in person, a copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

☐ Not executed. The diligence use in finding defendant being _____

☐ Information received as to whereabouts of defendant being _____

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY.

FEES: \$ _____

Sheriff / Constable

County, Texas

10 COPY

88TH. DISTRICT COURT, HARDIN COUNTY, TEXAS

AFFIDAVIT OF SERVICE

Paul Owens

vs.

CASE NO.: 48147

**Sean Selinger and Testing
Technologies, Inc.**

01 OCT 15 2007 9:29
HARDIN COUNTY, TEXAS
BY _____

STATE OF CONNECTICUT
COUNTY OF NEW HAVEN ss.

Kevin Farina, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of twenty-one and not a party to this action.

That on 10/01/2007 at 3:35 PM, Deponent served the within named **Testing Technologies, Inc. C/O Sean Selinger, Registered Agent** by delivering a true copy of the Citation to **Sean Selinger, Registered Agent**, a person authorized to accept service on behalf of **Testing Technologies, Inc. C/O Sean Selinger, Registered Agent**. Said service was effected at 30 Spoonwood Road , Wilton, CT 06897.

Description:

Sex: Male - Age: 40 - Skin: White - Hair: Brown - Height: 5'10 - Weight: 175

Other Features:

To the best of my knowledge and belief, said person was not engaged in the U.S. Military at the time of service.

The undersigned declares under penalty of perjury that the foregoing is true, correct and my free act and deed.

Sworn to and subscribed before me this
3rd day of October, 2007
by an affiant who is personally known to
me or produced identification.

S. Tomkowski
NOTARY PUBLIC
My Commission Expires: _____

X Kevin Farina
Kevin Farina

Date: 10.3.07

Client File#: - Our File# 32425

STEPHEN TOMKOWSKI
NOTARY PUBLIC
My Commission Expires Aug. 31, 2011

**CIVIL CITATION
THE STATE OF TEXAS**

CAUSE NO: 48147

PAUL OWENS

-VS-

SEAN SELINGER AND TESTING
TECHNOLOGIES, INC.

§ 88TH JUDICIAL DISTRICT COURT

§

§ COUNTY OF HARDIN

NOTICE TO DEFENDANT: *"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of 20 days after you were served this citation and petition, a Default Judgment may be taken against you."*

**TO: TESTING TECHNOLOGIES, INC.
C/O SEAN SELINGER, REGISTERED AGENT
30 SPOONWOOD ROAD
WILTON, CT 06897**

Defendant, in the hereinafter styled and numbered cause: 48147

You are hereby commanded to appear before 88TH JUDICIAL DISTRICT COURT of HARDIN COUNTY, TEXAS to be held at the courthouse located at 300 Monroe St of said County in the City of Kountze, Hardin County, Texas, by filing a written answer to Plaintiff's Original Petition at or before 10:00 A.M. of the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in cause number 48147 styled:

PAUL OWENS

-VS-

SEAN SELINGER AND TESTING TECHNOLOGIES, INC.

Said Original Petition was filed in said court on 09.27.07 by JEFFREY T. ROEBUCK, Attorney for Plaintiff, whose address is 2470 NORTH 11TH STREET, BEAUMONT, TX 77703.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT AT KOUNTZE, TEXAS, ON THIS
THE 27th day of September, 2007.

**Vicki Johnson, District Clerk
Hardin County, Texas
PO BOX 2997
Kountze, Tx 77625**

By

Tracie Morgan
TRACIE MORGAN, DEPUTY

OFFICER'S RETURN

Came to hand on the _____ day of _____, 20__ at _____ o'clock ____ M, and executed at _____ o'clock _____ on the _____ day of _____, 20__, by delivering to the within named **TESTING TECHNOLOGIES, INC.** in person, a copy of this citation together with the accompanying copy of the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of citation the date of delivery.

☐ Not executed. The diligence use in finding defendant being _____

☐ Information received as to whereabouts of defendant being _____

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY.

Sheriff / Constable

FEES:

\$ _____

_____ County, Texas

By _____ Deputy